



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

September 4, 2018

Jennifer Anderson
Acting Assistant Regional Administrator
Greater Atlantic Region Fisheries Office
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

Dear Ms. Anderson:

This letter is to request the National Marine Fisheries Service (NMFS) concurrence under Section 7 of the Endangered Species Act that EPA's approval of Virginia's adoption of statewide amendments to the aquatic life water quality criteria for cadmium and ammonia under Section 303(c)(3) of the Clean Water Act (CWA) are not likely to adversely affect listed species in Virginia.

On September 18, 2017, the Virginia Department of Environmental Quality (VADEQ) announced for public review and comment proposed amendments to its cadmium and ammonia criteria. The comment period ended December 8, 2017. Virginia is expected to respond to public comments and publish the revised cadmium and ammonia criteria under Virginia's Water Quality Standards Title 9 VACS 25-260 Water Quality Standards Regulations, and submit to EPA within the coming months.

The enclosed Biological Evaluation documents EPA's analysis of the possible effects of our approval of the statewide cadmium and ammonia aquatic life water quality criteria on listed species and designated critical habitats under the NMFS jurisdictions. EPA concludes that the actions EPA intends to take are not likely to adversely affect threatened and endangered species and designated critical habitats. We ask that NMFS provide a letter indicating your concurrence with our findings within thirty (30) days of receipt of this letter. If you have any questions, please contact me at (215) 814-5717, or Cheryl Atkinson at (215) 814-3392.

Sincerely,

Evelyn S. MacKnight, Associate Director
Water Protection Division

Enclosure

